

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**I. Status of the claims**

Claims 1-8, 10-12 and 15-25 were previously cancelled. Claims 9 and 13 are presently amended to recite a humanized PM-1 antibody “which is humanized by using the complementary determination region of PM-1 deposited as FERM BP-2998 to replace the complementary determination region of a human antibody.” This amendment is supported by the specification at page 10, line 17 to page 11, line 16. Claims 14 is amended to depend from claim 2, instead of claim 13.

The foregoing amendments are made solely to advance prosecution and not in acquiescence to any rejection, reserving the right to pursue cancelled subject matter in one or more continuing applications having the same right of priority as the present application. After amending the claims as set forth above, claims 9, 13 and 14 are pending.

**II. Objection to the specification**

Applicants respectfully traverse the objection to the specification found at page 2 of the Office Action. Solely to advance prosecution, however, the foregoing amendments made on May 20, 2009, have been reversed by the foregoing amendments to the specification. No new matter is added. The language which forms the basis of the objection has been removed, rendering moot the objection. Applicants respectfully request reconsideration and withdrawal of the objection.

**III. Rejection under 35 U.S.C. § 112, first paragraph**

Claims 9, 13 and 14 are rejected for allegedly reciting new matter. Office Action at page 3. Applicants respectfully traverse for reasons of record. Solely to advance prosecution, however, the foregoing amendments to the claims reverse the previous amendments which form the basis of the rejection, and are further amended in a manner which is supported by the

specification. It is believed that the present rejection does not apply to the pending claims. Applicants therefore respectfully request reconsideration and withdrawal of the rejection.

**IV. Obviousness type double patenting**

Without acquiescing to the Examiner's rejection, Applicants respectfully request that the provisional obviousness-type double patenting rejections be held in abeyance, pending the identification of otherwise allowable subject matter.

**CONCLUSIONS**

Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 30, 2009 By Simon J. Elliott

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